

Date Signed: August 5, 1997

MEMORANDUM

SUBJECT: Guidance for Future State Ground Water Protection Grants

FROM: Robert Perciasepe
Assistant Administrator

TO: Regional Water Division Directors
Regional Ground Water and Drinking Water Representatives, Regions I - X

Purpose

Section 1429 of the Safe Drinking Water Act Amendments (SDWA) of 1996 authorizes the Administrator to make grants to states to develop and implement programs to ensure the coordinated and comprehensive protection of ground water resources within the state. While Congress has not yet appropriated funds for these grants, the purpose of this memorandum is to fulfill the Environmental Protection Agency's (EPA) statutory requirement to provide guidance to identify the key elements of state ground water protection programs and to establish grant application procedures should funds become available in the future.

Key Elements of State Ground Water Protection Programs

It is EPA's understanding that the type of state program outlined and intended by the new section 1429 is described in the Agency's 1992 Final Comprehensive State Ground Water Protection Program (CSGWPP) Guidance document (EPA 100-R-93-001). Indeed, the Senate Committee on Environment and Public Works Report (Report 104-169, November 7, 1995) states that: "The new ground water grant program may be used to support states implementing the CSGWPPs and will provide a financial incentive for other states to join the program." The 1992 guidance document encourages states to develop and implement CSGWPPs, as an integral part of watershed protection. In that guidance, EPA identifies the six strategic activities which are the key elements of a CSGWPP. They are: (1) establishing a state ground water protection goal; (2) establishing priorities to direct all relevant programs and activities in the state to most efficiently and effectively achieve the state ground water protection goal; (3) defining authorities and responsibilities across relevant programs state-wide for addressing established state ground water priorities; (4) implementing efforts to accomplish the state ground water protection goal consistent with the state priorities and schedules; (5) coordinating information collection and management; and (6) improving public education and participation in ground water protection to support the state ground water goal. Furthermore, EPA recommends that states integrate the development and implementation of CSGWPPs and state source water assessment and protection programs as set forth in the Agency's August 1997 State Source Water Assessment and Protection Programs Guidance.

Grant Application Procedures

Provided funding becomes available, states are eligible and may apply to receive a ground water protection grant under section 1429 of SDWA to develop or implement programs to ensure the coordinated and comprehensive protection of ground water resources within the state. A grant made under section 1429 must be consistent with the procedures set forth at 40 CFR Part 31. A state may apply for a grant under section 1429 whether or not it has an EPA-endorsed CSGWPP. If a state has an EPA endorsed core CSGWPP, then the state should submit a grant workplan that is consistent with its multi-year program agreement which describes how the state will further develop its core program to achieve a fully-integrating CSGWPP.

If a state does not have an EPA-endorsed CSGWPP, then it should submit a grant workplan which describes the activities it will undertake with the section 1429 grant to develop its core CSGWPP. These states may use a grant to develop a core CSGWPP pursuant either to EPA's 1992 guidance or to a supplemental guidance to be issued in the fall of 1997. The supplemental guidance will require less information from the state than is currently required under the 1992 guidance. While it is anticipated that the new guidance will allow a state to submit a simplified description of its CSGWPP, EPA fully expects the state to develop a program consistent with all of the adequacy criteria set forth in the 1992 guidance.

If funds are appropriated for section 1429 ground water grants, EPA will produce supplemental guidance which will describe:

- the method for allocating grant funds and the actual allocations among the states;
- the specific process and criteria for EPA approval of grant applications;
- the substance and process of state proposals for innovative prevention programs for ground water contamination; and
- state reporting requirements.

CSGWPPs should Continue

Since publication of the Final Comprehensive State Ground Water Protection Program Guidance in late 1992, EPA has been encouraging states, on a voluntary basis, to develop and implement CSGWPPs. Seven states have EPA-endorsed core CSGWPPs to date (Alabama, Connecticut, Illinois, Massachusetts, New Hampshire, Oklahoma, and Wisconsin). In addition, twelve others have begun the endorsement process.

CSGWPPs are designed to: focus source control programs on preventing contamination of higher priority ground water; facilitate coordination among the many intrastate programs that protect ground water; and build a comprehensive approach to protection of ground water that includes all stakeholders. In addition, CSGWPPs strengthen state watershed approaches by providing an essential linkage between the state's ground water and surface water protection programs. While federal funding is not currently available for ground water program grants under the SDWA, for the above reasons, EPA still encourages states to submit and implement CSGWPPs.